

REMARKS

The Examiner's non-final Office Action of June 15, 2005 has been received and its contents carefully reviewed. Claims 10, 59-61, and 84-88 are now currently being considered, with claims 19-20 and 62-64 cancelled, and with claims 84-88 added. No new matter is introduced (see, e.g., Applicants' Specification, page 4, lines 24-29, page 71, lines 20-22, page 46, line 26 to page 47, line 3, and page 46, line 15-24). In view of the remarks below, Applicants respectfully request reconsideration and allowance of all the pending claims.

First, Applicants wish to thank Primary Examiner Boccio for conducting a telephone interview with Applicants' undersigned representative on September 9, 2005. Although no agreement was reached, as discussed during the telephone interview, Applicants submit that *Gerba et al.* (US Patent No. 5,931,908) merely discloses recording of composite data **transmitted from a transmitter**, but fails to disclose, teach or suggest recording of environment information **generated by a receiver**, as recited in independent claims 10 and 59-61, and as further set forth below.

Referring now to the detailed Office Action, the Office Action rejects claims 10 and 59-61 under 35 U.S.C. 103(a) as being unpatentable over *Butler et al.* (U.S. Publication No. 2002/0007493) in view of *Gerba et al.* The rejection of claims 10 and 59-61 is respectfully traversed because Applicants submit that *Butler et al.* and *Gerba et al.*, taken alone or in combination, fail to teach or suggest all of the features recited in the pending claims. For example, independent claims 10 and 59-61, recite that **recording environment information is generated and recorded** in a recording medium **by a receiver** when the receiver records content data. For example, the receiver records a place of the receiver as the recording environment in such an embodiment.

The present office action correctly admits that *Butler et al.* does not disclose that recording environment information is generated and recorded in a recording medium by a receiver when the receiver records content data. The present office action relies on *Gerba et al.* as disclosing the noted feature. However, as noted above, Applicants submit that *Gerba et al.* merely discloses recording of composite data **transmitted from a transmitter**, but fails to disclose, teach or suggest recording of environment information **generated by a receiver**. Accordingly, *Gerba et al.* does not disclose the noted feature, and fails to cure the admitted

deficiency in *Butler et al.* Thus, *Butler et al.* and *Gerba et al.*, taken alone or in combination, fail to teach or suggest all of the features recited in the pending claims

Accordingly, Applicants submit that independent claims 10 and 59-61 are allowable over *Butler et al.* and *Gerba et al.*, taken alone or in combination. New dependent claims 84-88 are allowable on their own merits and for at least the reasons set forth with respect to independent claim 10.

With respect claim 84, for example, Applicants' Specification at page 4, lines 24-29 discloses:

In a recording medium according to the present invention on which are recorded packet-multiplexed data of PAT and PMT and an elementary stream of video or audio or video/audio selected from packets relating to a desired service in a transport stream, said PMT is constituted by extracting from the PMT information in the transport stream only information associated with said elementary stream relating to the desired service

With respect to claims 85 and 86, for example, Applicants' Specification at page 71, lines 20-22 discloses:

Since the system is currently in reception mode, the "if" condition of the first line is not fulfilled, so processing shifts to execution of the next "if" statement.

With respect to claim 87, see, for example, Applicants' Specification at page 46, line 26 to page 47, line 3.

With respect to claim 88, for example, Applicants' Specification at page 46, line 15-24 discloses:

In the above embodiment, the transport stream that is sent from the transmission device is the same as in the case of the first embodiment. However, it could be arranged for data indicating the degree of mismatch between the recording environment and reproduction environment and the content of action to be taken in order from cope with this to be included in the transport stream transmitted from the transmission device; in this way, the content of action to be taken by the recording/reproduction device at the receiving end can be altered in accordance with the mismatch of recording environment and reproduction environment.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner

deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

NIXON PEABODY, LLP

/Carlos R. Villamar Reg. No. 43,224/
Carlos R. Villamar
Reg. No. 43,224

Customer No.: 22204
NIXON PEABODY LLP
401 9th Street, NW, Suite 900
Washington, DC 20004
(202) 585-8000